IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7205 of 1990

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

RAMESHCHANDRA S JAGAM & 1 - Petitioner(s)

Versus

DIRECTOR & 2 - Respondent(s)

==========

Appearance :

MR PH PATHAK for Petitioner No(s).: 1,2.

MR DG CHAUHAN for Respondent No(s).: 1,2.
MR K L PANDYA AGP for Respondent No(s).: 3.

==========

CORAM :HON'BLE MR JUSTICE KS JHAVERI

Date : 15/07/2005

ORAL JUDGMENT

1.0 The petitioners have prayed for the following reliefs;

“(A) That your Lordship be pleased to issue an order writ in the nature of mandamus, and / or any other appropriate writ, order or direction, directing the respondent no.! & 2 to regularise the services of the petitioners since the initial date of appointment and grant all consequential benefits to the petitioners with 12 % interest.

(B) Be pleased to direct the respondent to pay the arrears of wages etc. to the petitioners considering them as regular employees of the respondent University since initial date of appointment.

(C) Be pleased to declare the non-compliance by the respondent of the provisions of Minimum Wages Act as forced labour and direct to pay the arrears of weekly paid off and overtime etc. in accordance with provisions of Minimum Wages Act to the petitioners.

(D) Be pleased to declare the action on the part of the respondent to continue the petitioners as daily wage employees for more than 5-8 years and to deprive them of the benefits and status of regular employees and to pay different scale of wages to the similarly situated employee as unfair labour practice under the provisions of I.D.Act, 1947.

(E) Pending admission and final disposal of the petition be pleased to restrain the respondent University from terminating, discharging the services of the petitioners and further direct to pay the minimum of time scale with all allowances payable to regular Class IV employees.

(F) Pending admission and final disposal direct the University to grant weekly paid off to the petitioners as per the provisions of the Minimum Wages Act.

(G) Any other relief to which the Hon'ble Court deems fit and proper in the interest of justice.”

2.0 I have heard learned counsel for the parties and perused the documents placed on record. In view of decision of the Apex Court in the case of **Gujarat Agricultural University v. Rathod Labhu Bechar and Others** reported in **(2001) 3 S.C.C. pg.574**, the petitioners herein are also required to be granted the benefits of the aforesaid decision.

3.0 In above view of the matter, the respondent University is directed to grant benefits of the Scheme laid down by the Apex Court in the aforesaid decision to the petitioners if they are entitled for the same. It is clarified that if the benefits of the aforesaid decision have not been granted to the petitioners so far, the respondent University shall grant the same within a period of three months from today. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. JHAVERI, J.)

pravin/ *